THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 22623 of 2007
AND
W.P. No. 22624 of 2007

Date:26-10-2007

Between:

Smt.Kilari Venkata Ramanamma

…Petitioner

AND

The Revenue Divisional Officer, Visakhapatnam and two others

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Respondents

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COMMON ORDER:

Since the petitioner in both the writ petitions is one and the same, I deem it proper to dispose of both the writ petitions by way of common order.

The petitioner seeks a writ of mandamus to declare the action of the 1st respondent in not disposing of the appeal petition and the stay petition filed by her on 01.08.2007 under Section 5(5) and 6(A) of A.P. Record of Rights in Land and Pattadar Pass Books Act, 1971 against the Endorsement L.Dis.No.155/2007 UDRI, dated 27.07.2007 even though more than 2 ½ months have elapsed, as illegal and arbitrary.

It is the case of the petitioner that an extent of Ac.14.55 cents in Sy.Nos.144, 268/1, 268/2 and 68 situated in Potnuru village, Padmanabham mandal, Visakhapatnam District belongs to her husband who died in the month of October, 2004 and the said property has been inherited by her husband. It is stated that the third respondent claiming to be the legatee based on the will said to have been executed, obtained pattadar pass book and title deeds from the Mandal Revenue Officer/2nd respondent in respect of the said land. It is stated that the third respondent is said to be adopted son of her husband and created false document stating that her husband divorced the petitioner. The petitioner filed an objection petition for granting pattadar pass book and title deed in favour of the third respondent. But, the said objection has been overruled stating that the petitioner has not filed any objection before the Mandal Revenue

Officer, though notice has been issued. It is stated that as against the said endorsement, dated 27.07.2007, the petitioner filed an appeal before the Revenue Divisional Officer on 01.08.2007. But, the first respondent has not considered and disposed of the same.

The learned Government Pleader for the official respondents submits that if the petitioner disputes the will, the right and title of the third respondent, the only course open for the petitioner is to file a civil suit. But, the revenue authority is not competent to decide or resolve the controversy between the parties.

I am not inclined to express any opinion with regard to the merits of the case.

Having regard to the facts of the case, if the appeals said to have been filed are pending before the first respondent, the first respondent is directed to consider and dispose of the same in accordance with law without any unnecessary delay.

With the aforesaid directions, both the writ petitions are disposed of. There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:26.10.2007
ccm